

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Jacqueline D. White
Debtor

SN Servicing Corporation as servicer
for U.S. Bank Trust National
Association, as Trustee of the LB-
Cabana Series IV Trust
v.

Jacqueline D. White
Scott F. Waterman
Respondents

CASE NO.: 20-14876-amc

CHAPTER 13

Judge: Ashely M. Chan

Hearing Date: February 14, 2024 at 11:00AM

Objection Deadline: February 9, 2024

**MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

SN Servicing Corporation as servicer for U.S. Bank Trust National Association, as Trustee of the LB-Cabana Series IV Trust (on behalf of itself and together with any successor and/or assign, “Movant”) hereby moves this Court for an Order (i) pursuant to 11 U.S.C. § 362 (d)(1); vacating the automatic stay to permit Movant, its successors and/or assigns, to enforce its mortgage on the Debtor’s premises located at 6107 Cobbs Creek Parkway , Philadelphia, PA 19143 and (ii) for such other and further relief as is just and proper. In support of this Motion, Movant respectfully states:

1. Movant is the holder of a Note executed by Jacqueline D. White dated July 24, 2000, whereby the Debtor promised to repay \$49,000.00 plus interest to CTX Mortgage Company (the “Original Lender”). To secure the repayment of the Note, Jacqueline D. White executed a Mortgage in favor of CTX Mortgage Company, encumbering the Property commonly known as 6107 Cobbs Creek Parkway, Philadelphia, PA 19143, which Mortgage was recorded in the Official records of Philadelphia County as Instrument No. 50168017 (hereinafter “Mortgage”). Other than liens with statutory priority, Movant’s mortgage is in first lien position. Debtor entered into a Loan Modification Agreement, made effective April 29, 2022 which created a new principal balance of \$91,109.43. The Mortgage was ultimately assigned to Movant by an Assignment of Mortgage. A copy of the Note, Mortgage, Loan Modification, and Assignments of Mortgage are attached hereto as **Exhibit A**.

2. The Petition under Chapter 13 of the United States Bankruptcy Code was filed by the Debtor Jacqueline D. White on December 30, 2020.

3. This Court has jurisdiction over this case and this motion pursuant to 28 U.S.C. §§ 157 and 1334.

4. Venue of this case and this motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. Upon review of internal records, the Debtor has failed to make current mortgage payments due under the terms of the Loan. As a result, the Loan remains post-petition due for November 1, 2023, and each subsequent payment thereafter.

6. Pursuant to 11 U.S.C. § 362(d)(1), the court shall enter an order granting a secured creditor relief from the automatic stay for cause “including the lack of adequate protection of an interest in property of such party and interest.”

7. Specifically, courts have found cause for the granting of relief from an automatic stay where the debtor has failed to make post-petition mortgage payments as they become due. *In Re Taylor*, 151 B.R. 646, 648 (Bankr. E.D.N.Y. 1993).

8. Movant respectfully requests reasonable attorney fees in the amount of \$1,050.00 and costs in the amount of \$199.00.

WHEREFORE, Movant respectfully requests an Order of this Court vacating the automatic stay and for such other, further and additional relief as to this Court may deem just, proper and equitable.

Dated: January 25, 2024

By: /s/ Charles Wohlrab

Charles Wohlrab, Esq.

FRIEDMAN VARTOLO LLP

Attorneys for SN Servicing Corporation as servicer for U.S. Bank Trust National Association, as Trustee of the LB-Cabana Series IV Trust

1325 Franklin Avenue, Suite 160

Garden City, NY 11530

T: (212) 471-5100

F: (212) 471-5150

Bankruptcy@FriedmanVartolo.com